IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.28123-M of 2007
Date of Decision:- 10.09.2007

Bhir Singh ....Petitioner(s)

through
Mr.D.V.Sharma, Sr. Advocate with
Mr.Harit Sharma, Advocate and

Mr.V.K.Chaudhri, Advocate.

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

This order shall dispose of Crl.Misc.No.28123-M of 2007 and Crl.Misc.No.37211-M of 2007. In both the petitions under Section 439 Cr.P.C. the petitioners seek their release on regular bail in F.I.R.No.325 dated 3.11.2006 under Sections 148/149/323/324/341/427/392/307/325/506 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station, Sadar Kaithal.

The petitioner (Bhir Singh) was arrested on 7.11.2006 whereas the other petitioner, namely, Rajesh @ Sinder was arrested on 25.11.2006.

As per the allegations contained in the F.I.R., there appears to be some dispute with regard to possessory rights over the land owned by a Dera. It also appears that it was a case of open fight between two groups of

persons.

There is no denial to the fact that the petitioner's co-accused has already been released on bail by this Court vide order dated April 02, 2007 passed in Crl.Misc.No.18471-M of 2007.

However, previously the bail application of Rajesh @ Sinder was dismissed on April 02, 2007 at that stage on the ground that he was alleged to have caused *Gandasi* blow on the vital part of the injured.

It is the conceded position that injured-Harmail Singh has been examined and he has not supported the prosecution case.

After hearing learned counsel for the parties and having regard to the total period already spent by the petitioners in custody and without expressing any views on the merits of the case lest it should prejudice either of them, these petitions are allowed. The petitioners are directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Kaithal.

September 10, 2007 **(SURYA KANT)**
poonam **JUDGE**